



F.A.
10-10-03

Patent
Attorney Docket No. 032722-593

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE *16/109
for
Dew
NE.*

In re Patent Application of

ARTHUR D. GERSHOWITZ

Application No. 10/082,119

Filed: February 26, 2002

For: RETROGRADE CANNULA
PREVENTING BLOOD BACK-FLOW
DURING STYLET REMOVAL

) MAIL STOP - AF
)
) Group Art Unit: 3763
) Examiner: Lina R. Kontos
) Confirmation No. 3521
)

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated July 7, 2003, reconsideration of the rejection of the present application is requested.

Claim 1 stands rejected as anticipated by Cragg et al. which discloses a balloon catheter for occluding aneurysms and, as such, requires the use of a guide wire 70 that eventually passes completely through a guide-wire lumen 18 during insertion of the catheter. In contrast, present claim 1 recites a retrograde cannula in which a stylet is to be used to push the cannula in place, so the distal end of the stylet lumen must be blocked (see plug 32 in Fig. 1A). Claim 1 expressly recites that the distal end of the stylet lumen is "blocked" thereby distinguishing over Fig. 3 of Cragg et al. wherein the guide-wire lumen must be left unblocked to accommodate a guide wire.

With respect to the embodiment disclosed in connection with Fig. 5 in Cragg et al., there is provided therein a "valve" 46 which blocks a guide-wire lumen prior to being punctured by the guide wire. Such guide-wire lumen communicates with the sealing member 52 via inflation holes 58. In contrast, claim 1 expressly recites that the sealing member is disposed in non-communication with the stylet lumen, thereby clearly distinguishing over Fig. 5 of Cragg et al.

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Note that in Cragg et al. the only reason for blocking the guide-wire lumen via a rupturable valve 46 is to cause fluid to flow from the guide-wire lumen into the sealing member, so the guide-wire lumen must communicate with the sealing member. Such a situation is to be avoided in the presently claimed invention. The stylet lumen is not to be used to conduct fluid to the sealing member (i.e., the stylet lumen is in non-communication with the sealing member).

If the rejection under section 102 is maintained, applicant respectfully requests that it be explained which embodiment of Cragg et al. is being relied upon and how that embodiment includes both of the above-discussed features of claim 1, namely:

- a distal end of the stylet lumen being blocked, and
- the sealing member disposed in non-communication with the stylet lumen.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____



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Date: October 7, 2003



AF 3763

Patent
Attorney Docket No. 032722-593

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) REPLY UNDER 37 CFR 1.116
Arthur D. GERSHOWITZ) Expedited Procedure-Technology Center
Application No.: 10/082,119)
Filed: February 26, 2002) Group Art Unit: 3763
For: RETROGRADE CANNULA)
PREVENTING BLOOD BACK-FLOW) Examiner: Lina R. Kontos
DURING STYLET REMOVAL) Confirmation No.: 3521
)

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

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- A Petition for Extension of Time is also enclosed.
- A Terminal Disclaimer and the [] \$55.00 (2814) [] \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.
- Also enclosed is/are _____.
- Small entity status is hereby claimed.
- Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the [] \$385.00 (2801) [] \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- Applicant(s) previously submitted ___, on ___, for which continued examination is requested.
- Applicant(s) requests suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

[] A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

No additional claim fee is required.

[] An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims	16	MINUS 20 =	---	× \$18.00 (1202) =	
Independent Claims	3	MINUS 3 =	---	× \$86.00 (1201) =	
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					
If small entity status is claimed, subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					

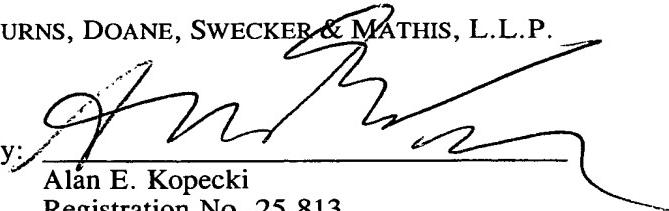
[] A total fee in the amount of \$ --- is enclosed.

[] Charge \$ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 7, 2003
By: 
Alan E. Kopecki
Registration No. 25,813

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